P.F 52-98.

G. R. S. IX-5]

Previous references.

1894-95
~~191~~ .
(2)

File No. 83-94

Serial Nos. 1-22

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos.

In ~~Part~~ B for April 1900

SUBJECT.

Appeal of Ramaswami of Hyde regarding the fine imposed on him for the unauthorised cultivation of Government land.

W D 1250—GPB—30,000 - 28-1-19

The petitioner applies for review on the grounds that he was a minor in 1886 and that his mother was a widow and that his manager did not properly manage the case.

It is submitted that the Deputy Commissioner in his decision of 12.11.94 recognised this and showed some consideration

Submitted to the Board of Commissioners

24-11-96

Rec'd Plan.
21/12/96.

Letter 1783

Call for tenders
Minimum
can Mon
22/12/96

23-12-96

Plan
Draft 0.K
23/12

O.K. to
recommend
for
14.1.97

Before the Government of Mysore.

~~Appeal~~ Pet^{n} No. 1783 of 96-97

Appellant. Vs. ~~Respondent.~~

Ramaswami Ad Agraharam, Mysore.

The Standing Committee of the
Municipality.

29.3.99

Applt present.

~~Asst's report.~~

Applt — The documents produced by
the Asst to Govt's file have not
been retd to me:

Ct Commr — You must produce them if you want
to have your review applⁿ
considered.

Adjd to 5 date after 2 Months
D Commr to be requested that the file from Talukᵃ
be sent Regᵈ.

29/3/99

Adjourned to 3rd July 1899.
Notice served. Applt application agn.
applt present

Before the Government of Mysore.

Review Petn. ~~Appeal~~ No. 1783 of 1896-97.

~~Petitioner~~ ~~Appellant.~~ ~~Vs.~~ ~~Respondent.~~

Ramaswami son of Kasinathashastri,
Old Agrahar, Mysore -

Subject :— Claim to a portion of S. No. 14 of Kurahatti village
Nanjangude Taluk.

13/2/99
Appt. applies for adjournment
upto the next hearing date after 7th March
Posted to 29th March 99.

892

16/99

ask for time to produce
decision in appeal of the Review
Sept away

a for
e on 3rd July 99

10/6/99

29-3-99

Before the Government of Mysore.

Review Petn. ~~Appeal~~ No. 1783 of 1896-97.

~~Petitioner~~ ~~Appellant.~~ ~~Vs.~~ ~~Respondent.~~

Ramaswami son of Kasinathashastri,
Old Agrahar, Mysore -

Subject :— Claim to a portion of S. No. 14 of Kurahatti village
Nanjangude Taluk.

13/2/99
Appt. applies for adjournment
upto the next hearing date after 7th March
Posted to 29th March 99.

892

16/99

ask for time to produce
decision in appeal of the Review
Sept away

a for
e on 3rd July 99

10/6/99

29-3-99

Copie — I applied for Copies of parliamt Reports but was told the original record were missing & that copies could not be given. The extent of encroachment may be 27 guntas. The amr has given an estt on 23/6/99. Existing Natl Colours will be obtained from the Chamberge & sent.

The cust. rept 5 has been rectd & duly called upon 5 repeatedly.

3/7/99.

Precis of the records in connection with :—

Appeal Petition — No 1783 & 4th December 1896.

Petitioner — Ramasawmy, son of Kasipati sastry, Shanbhag residing in Old Agrahara Mysore.

Subject :—

Appeals against the order of the Dy Commr Mysore District in Rev Case (Mis) No 6 of 1894-95, fining petitioner for unauthorized cultivation of a portion of Govt land No 14 in Kunahatti village of Jodi Ramanna Hobli, Nanjungud Taluk.

The facts of the case are as follows

Case fee Rs 2-7-9d.

The petitioner is the son of Kasipati Sastry — he holds of Inam land No 5 under titles deeds Nos 5, 485, 486 and 488, Confirming 3 Khts (acres) and known as Gennarada Gadde (Garden Land) with Sipayari 1-0-0 assessed at Rs 3-0-0 now held on Quit

do not possess the accounts since that year. I have accounts for the years Bahudhanya (78-79), Chitrabhanu (82-83) and Parthiva (85-86) which I here produce. The first two show that No. 14 is a Nâli (channel) measuring --2-- No. 15 is an Inamti - - 1-10- & No. 16 - a Sarcar land in cultivation. The third i.e. for Parthiva shows that No. 14 is a Nâlé, and a portion thereof measuring --2-- was applied for and ploughed by Ajjiah son of Linge Gowda.

The Khetwar for the year Jarana (1884-85) shows that a portion of land bearing the old No. 15 measuring --2-- was entered as Sarcari, but it has been since cancelled with red ink and corrected thus:- a portion of No. 14 which is a Nâlé measuring --2-- &c.

That amildar having personally inspected the land in Parthiva (1885-86) when it was applied for and ploughed by Ajjiah, directed its entry in the Jakhar Jisal Jakhté for that year, ordering that nobody should cultivate it till the settlement of the Survey; and told the said Ajjiah not to cultivate some years ago, the channel No. 15 extended and the Inam given Govt. to this portion of it

by Ajjiah was taken up for wet cultivation by Kamiah - the Manaya of the Inam land and so, I have entered it in Kamini Jâsti Takhta" (10)

Kamiah was then examined who deposed as follows:- "The land bearing No. 15 is an Inamti of Kasipatisastry who died 10 years ago leaving a son by name Ramaswami who is now 14 years old. I am his co-brother, the minor boy and his widowed mother are under my care and protection. I got the land No. 15 cultivated with wet crops this year, and it is true that I removed and levelled the elevated part to grow paddy thereon. I did not remove earth from Sarcar Banjar as Shanbhog deposed. There is no Sarcar land. I got my Inamti divided into two portions in the last Survey, with their boundaries fixed. The boundary stones were fixed at my own expense for the two portions. It is a wet Bhatamanya. I need not pay water-cess but local fund. There was no banjar land close by, but only a channel - Sarcar Vâlu which bore a separate number

Jodidar has been nine years

[illegible] of a portion of this

that the village accounts

" and of any difference

rent of 3 Rs. It was obtained by
his ancestor in 1836 and ever since
has been in the possession and enjoy-
ment of his family. His land
comprising 3 plots is bounded
according to actual enjoyment
and Govt accounts :—

On the east by Gachagalli gaile (canal)
- - West - No 14 Royakative
- North - Gachagalli gaile (channel)
South - Nos 16 & 17

Vide Cadastral Takka for 1891-92

This land No 15 was reported to have included
a portion of No 14 ($\frac{14}{1}$) - a garden
land, and cultivated by Appiah
bin Linga Gowda - Cultivator of
the Inam land in 1855-56. It was
ordered by the Deputy Comm^r - the
late Mr - Abdul Khader - that the
land should be resumed.

Vide Patta Takka for 1855-56

In connection with the land, the
Shanbhag of the village and the
Inamdar were examined by the
Amildar on 18. 2. 92.

The Shanbhag deposed as follows :—
" As to the entry in the Patta
Takka for 91-92 showing that
No $\frac{14}{1}$ portion measuring 4-2-0 was
included in the Inam Land No 15
and brought under cultivation,
I state that Pahani accts com-
menced in the year Sukla - ?

should arise, I shall be held answerable

The Amildar remarked in the Jabrai Varkila for 91-92 as follows:-

"Though it was ordered in 1885-86 that this land is Saheri and to should be resumed, yet this year it has been again brought under cultivation by Ranmal having included it in his 15. without permission. As per above order, it was lying waste for 6 years from 1886-86 to 1891-92 with interruption. This year, it was cultivated by the cultivator of the Inam land-Linge Gowda under the directions of Ranmal, as will be seen from this detection. The excess portion of the land which was been encroached upon and cultivated measures 3-15½ and the probable assessment thereof including local cess and Nirgunti is Rs. 3-12-4."

Thereon, the Jamabandi Officer for that year ordered as follows:-

8.3.92.

"This matter was already decided in 1886, so that, it is wrong on the part of the Inamdar to have levelled the portion and included in his Inam land for cultivation. As this land is below a Nallah, it is open for cultivation. Therefore it should be taken back from the ryot, and he is fined Rs. 15 for having encroached upon Govt land

excess portion measuring 3-15½

* This detection says that he cultivated under the direction of the Inamdar, & when asked to show permission to cultivate, he said he acted according to the order.

* according to Gram Panchayat (Dt. 20-8-92)

without permission

According on 7.3.92 the Amildar issued a notice "Kraya" the Amildar of Ullasnagar to the manager of Ittaram land - the said Kamiah by name. After some correspondence as regards the full name and address of the party, the original notice was received back with his acknowledgement for its delivery.

On 14-12-92 the Amildar enquired from the Sirkedar whether the land in question was in cultivation that year, and learnt that it was cultivated with wet crops.

At this time, the said Kamiah's brother Chandrashekhara Bhatta applied to the Amildar of Kalyan-Bhiwandi for copies of orders made by Jamabandi Officer(s) for 91-92.
(2) in the year 5 Rs.
(3) for a copy of Pahani accounts produced by Shanbhag the previous year.

Then Kamiah also applied for copies of Pahani accounts of the village Nos 12 to 18 during the years 72-73, 73-74, 74-75, together with a copy of Jamabandi Officer's order in 1885-86 as regards Bhatamanya land No 15.

Thereupon, the Jamabandi Officer for-

and received

here to attached. Which show that in 72-73 No 2 was a Rayatkalave (tenant) and in 73-74 as Rajwari standing from Gadhigali to Gadhi-Gabhirale & No 5 a wet Inam land while 1-0-0 as Rajwari assessed at 2-8-5, and that in 73-74, 74-75, 75-76 were of the same extent, the Inamdar has no right to eject.

the year 92-93 leaving from the Amildar

GOVERNMENT OF INDIA: remarks in the Jakkar

Sakhla that the land in dispute

was again taken for cultivation,

27.6.93 called for the records of the case

to show that it was a Sarkar land

Then on 28-8-93 in obedience

to that order, the Amildar Submitted

the necessary records including the

Jakkar Sakhlas for the years 1890-91

and 1891-92 bearing Jamabandi

Officer's orders thereon in this case

The Asst Commr who was the Jamabandi Officer for that year ordered

to the following effect:— "After

enquiry of the persons con-

cerned, no punishment can be

inflicted. So, the statements of

both the Sagunvalidar and the

Jamdar to show why the Sarkar

land was again cultivated this

year without the permission of

Govt should be submitted for orders

6-4-94 Thereupon, the Amildar replied

that the Sagunvalidar (cultivator)

state that he cultivated the land

under the direction of the Jamdar,

who, though served with a notice,

did not appear, and so, his case

was entered in Jakkar Sakhla No 8.

Hence, the Jamabandi Officer seeing

that the land in dispute was cultivated

both

both that year and the preceding year

ordered on 18-1-94 as follows:—

The land was declared to be vacant by the Dy. Commr. in 1885-86, and the Jamabandi officer in 1892-93 imposed a fine of Rs 15/- for the unauthorized cultivation of the land. [illegible] (the Jamabandi) was served with notice to give back the land and pay the fine, it is wrong on his part to have cultivated again. No orders were passed for the unauthorized cultivation last year for which records were called for, a fine of Rs 20/- for that year and Rs 25/- for the current year has been imposed on the Jamabandi Rules and whilst the Deputy Commissioner's order of 1885-86 is appealed against and set-aside, the land in question cannot be considered to form part of the Inam as belonging to the Jamabandi."

The same day he applied for a copy of this order, and on 6-4-94 for copies of orders of the Jamabandi Officer in 1885-86, 92-93, 93-94. Of Pahani Accounts Nos 13 & 18 for the three years preceding 1885-86 (Fasli) and of the order made by

the Jamabandi officer on 10.1.94 above quoted.

Thereafter, on 20.9.94, the petitioner Ramasamy who was hitherto a minor appealed to the Asst Collector against the order of the Jamabandi officer passed on 10.9.94 fixing him assessment as for the unauthorized cultivation of Govt land 1¢ 14 1st Pahani

The grounds of his appeal as therein noted are: —

(1) That the extents of lands included in No 15 are in the enjoyment of his family since 1836 and therefore the boundaries above noted.

(2) That there are no other lands except the three plots which have been marked by boundary stones and are in his cultivation.

(3) That the allegation that the cultivated area of Govt land 1¢ 14 is false as is evident from the Pahani accounts for the years 73-74, 74-75 and 78-79 above noted.

(4) That his grandson Ramasamy has given a statement to the Amildar of Nanjangud in 1883 that only his own land within the above boundaries with no Govt land, that the boundaries have been fixed according to actual enjoyment and that if in the measurement the village officials also made alterations

once disposed of by a competent officer. In consideration, however, of the fact that the appellant is a minor and that his guardian does not appear to have properly proceeded to appeal against the the order passed in the case and that the assessment of the land in dispute is only Rs 5-4-6, I would reduce the fines to 10 Rs per annum or 20 Rs for 1892-93 and 93-94. "The Amildar and village officials are responsible for having failed to collect the fine imposed of 1891-92 and to prevent the cultivation of the land in 1892-93 & 93-94."

(17)

On 11.2.95 the petitioner appealed to Govt against the above order of the Dy Commr stating as follows:-

(1) That he has been enjoying the land No 15 - Gennarada Gadde - consisting of 3 plots - as Inam under title deeds paying to the Govt Rs 3/ as Quit-rent.

(2) That, as above noted, the land within the fixed boundaries has been in the enjoyment of his family from time immemorial.

(3) That the statement of the Jamabandi officer that the land is Sarkari as is

is asserted by the petitioner is false as is evident from Pahani and other accounts above referred to.

(4) That the village officials have wilfully made alterations in the accounts, showing, for the first time, in the accounts for 1882-83 that the land in dispute bears No 15 and in 1885-86 No 14. (18)

(5) That neither the Dy Comm. nor any Jamabandi officer examined the above Pahani accounts.

(6) That when these transactions occured and the Dy Comm. in 1886 ordered the land to be resumed, he was a minor, his mother a widow and he was not properly represented by his guardian Ramanna- his maternal aunts' husband, who lived at a distance of 40 miles from his village, and showed very little interest in his welfare, that he just completed his majority and he was not aware of the Dy Comm's orders of 1886 till after his mother's death which took place some 3 or 4 months ago and that his guardian then handed over the papers to him.

and (7) That though no mention was made in the accounts that there was land in No 14 till 1881-82, the auildar relying on the false representation of the

him in the accounts when the Jail
Village was removed by Govt.

and

(8) That the Jamabandi Officer examined
the records of the decision passed by
the Dy Commr in '86. Tahani and Cotta
accounts, and he has submitted copies
of their orders — above quoted.

Praying that the fine of Rs 25 in all
might be remitted, that the auditor
be directed not to demand him for
the fine till the appeal would be
finally decided, and that the Village
Officials' conduct might be seriously
noticed for having dealt with Govt
accounts.

The train of the Dy Commr's decision
runs as follows:— "The case was
disposed of by my predecessor who decided that the land should
be resumed as it did not belong
to the petitioners' dwm. His manager
however cultivated it in 1891-92
and was fined Rs 10/. The culti-
vation was continued in 92-93 &
93-94 and the fines raised to 20 and
25 Rs. The appeal is against the
last two fines.

"Mr Abhyankar (Advocate for
Appellant) wishes to go into the
merits and says that the land
is really included in the dwm No. 5
but this cannot be done as it would
have the effect of reopening a case

Sanctioning and finding on measurement made by Patrick Gunaratne, an excess of 4-3-35 over the extent recorded in the Crown Settlement Accounts, relative to the Garden Cultivation land was secured, marched upon and authenticated by the petitioner. Such that the land in dispute has been in the enjoyment of his family for over 80 years.

On 12.3.95 this was forwarded to the Dy Commr Matale for submission of the entire records of the case with a report thereon. It was sent to the 1st class Govi Korale Commr who for the records from the Amildar and remitted to the Dy Commr on 9.7.95.

On the 21st May 1896, the petitioner submitted a petition to the effect that he received an order to the effect that his petition was sent to the Dy Commr for report and praying for early orders.

No 2010 dy 9th March '95

on 29.5.96

Then a reminder was sent to the Dy Commr drawing his attention for an early reply in his office No Pet 297 dy 14.3.95.

On 9.6.96 the dy (Amma) replied as follows:—

That in 1885-86 (Parthiba) one Ariyan - the cultivator of the Onam land/village no. 8 of the petitioner was deputed by the Amildar to have encroached upon a portion of the adjoining Govt waste land No 6, that the cultivator said that he plunged it as it was Cynicynast and the Onambu said that the land said to have been encroached upon was a part of his Onam - that the Onam land was found on measurement to be more than the recorded area 22 k k m 1-11-4 by 10 cawnies, that the land No 6 appears in the Patani as "Vale" (channel) consisting of 0 k k m 0-2-0 dry or 13 Kottahs each, that the villagers said that it was authorizedly cultivated and during the 10 years that no objection was raised on 11.4.86 to resume the land. That in 1891-92 - the 5 years after the above suit, Ramanna the manager of the Onam land cultivated the portion ordered to be resumed, which measured 0-3-15½ of wet land - that on being resisted, the said Ramanna was fined 15 Rs by the Tamarindi Court

and

and the land was ordered to be resumed that in spite of that order the petitioner continued to cultivate it in 92-93. and was again reported to the Land Officer who called for the records of the case to learn where-upon again in 93-94 he cultivated the land, and the matter was referred to the Lieutenant Governor Mr. R. Venkata Rao, who fined him Rs 20 for 92-93 and Rs 25 for 93-94 that on appeal to the Commissioner against the above order, he, seeing that the appellant was a minor, reduced his fine to Rs 10 for both the years, and declined to review the question decided by Mr. Abdul Khader Sahib, and that the land in dispute measuring 3-5½ kkm belongs to the Inamdar or is a portion of it is (vacant), and that the appellant has appealed against his last order.

On 24-7-96 it was ordered and on 4-8-96 accordingly an endorsement was issued to the petitioner rejecting the appeal and stating that Govt declined to interfere as the appeal was virtually against Mr. Abdul Khader's order passed so long ago as in 1886

submitted many applications for a copy, but it was not given in due time.

(93)

(6) That solely on the ground that on measurement made by the Taluk Gumasta an excess of 4 K 4 A - 3 H 15 C 2 of land was found, the Amildar reported that the land was sarcari and usurped by the petitioner for cultivation

and lastly

That because he was a minor and not properly represented by his guardian when the order of the Dy/commr of 1886 was passed, his appeal might be admitted and the Dy/comm's order set aside, as on those grounds only the Deputy

above quoted. Commissioner in his order of 12-11-94 reduced the fines, but declined to go into the merits of the case.

22-12-96 Thereon, it was ordered that the records of the case might be submitted by the Dy/commr with a report of the facts of the case.

in his No 1411 of 13-3-97 The Dy/commr now states that a full report was already submitted on the 9th June 1896, which has been above noted.

HH
19-6-97.

P.T.O

The records as summarised above ~~do not enable~~ are not sufficient for the final disposal of this ~~appeal~~ review appl^n

The Dy Comm^r's order rejecting pet^rs claims to the land in question was passed in 1886; and granting that the plea of minority & the misconduct of pet^rs manager have been proved (~~the Dy~~ Mr Rangaswamy^r's order of 1894 admitted both), the question involved in ~~whether~~ the appeal should be decided on merits.

Mr Abdul Khader's reason for holding the land in question to be (Govt) unoccupied land was that the area of the pet^rs Inam as measured was larger by 10 marcas than the recorded area of the Inam. Pet^r rests by saying that the Inam wh was granted under Inam rule, is situated within specified boundaries & that the land in dispute is included within those boundaries and that the Pahanis produced by both parties agree in consistent with that boundary

The Dy Comm^r's report No 1467 dt 9/6/96 does not elucidate

On 4-2-36 the petitioner submitted the following grounds of his appeal, praying that in case grounds his case might be reviewed and final order passed. They are :-

(1) That the land 16.3ª has been for over 50 years in the enjoyment of his family as dram.

(2) That neither the Panchayat Adhikari nor the Dy. Conservator examined the Pahani and other accounts of the village, prior to its resumption by Govt. u/s of the year 72-73, 73-74, 74-75 etc. which show that there was no such Govt. land said to have been encroached upon as No. 14 Pattan under 88-89.

(3) That the village officials altered the accounts with a dishonest intention of framing forest charges.

(4) That when the order was passed by the Dy. Conservator in 1956 he was a minor and was not properly represented by his guardian who lived far away from the village and showed no interest in his welfare, and it was after his mother's death in 1964 he attained his majority and took his papers from his guardian.

(5) That till then he was not aware of the order passed by the Dy. Conservator being still a student, and with a view to know the nature of the order, his guardian

Submitted

Vide his certificate from the Principal Nargund, Bearing Regd. No. 11-2-36 Who says that the petitioner passed in this application from the Matriculation Examination of Dec '64 that he was 18 years of age.

this from Father and Mr Rawlinson refuses to reopen this question in 1894 but reduced the fine

As per claims land ~~[illegible]~~ assigned ~~[illegible]~~ by the DC Comm^r the Case seems to be a Council case

Sub to 2nd Council

26/4/97

Rec'd 6 Pm 28/4/97

Obtain a meeting Mr Land Moving Mr Land Distribute Memorandum Paper account in which interest no has been given to this land should be obtained when Mr Hart has rather moved omitted. After Mr alone are received first in the usual course let the village Shamsuye

Draft [illegible] Dr Apte drafted to DC/Comm^r reply to Mr [illegible] draft [illegible]

29/7/96 [illegible] 29.4.97

30/4/97

[illegible] 97

In reply the Dy. Comm^r in forwarding a sketch reported on 1st Nov. 1895 that according to the Sheristadar's report Kurahatti is one of the villages of Jodi Rayaru resumed & granted in 1882-83 and that none of the old Pahani accounts of the village are available; that the Hk has not been surveyed and settled, that the Petr states that he has a wet inam which was acquired by his great grandfather in 1836 by purchase from the previous owners, that he admits that the extent of his inam is 1½ Khandies, that whereas the extent actually in his enjoyment was found to be A G. 3 - 31 and that therefore 27 guntas had been encroached upon out of the adjoining Govt waste No 4.

A G. equal to 3 - 4.

The Dy Comm^r further reported that the records were missing and that an Enquiry would be made with a view to find out the records.

In a subsequent report dated 27-1-96.

the Dy Comm^r stated that the further enquiry made by the Amildar proved fruitless and that the records could not be traced.

In G.O. No. 441 P.752-98 the Dy. Comm^r was asked to obtain the Palani accounts relied upon by the Petr from the village Shanbog and submit the same to Govt together with his opinion in the matter.

In reply the Dy Comm^r in submitting Palani accounts of Balladhanya (1878-79) and Chittabhanu (1882-83) states that in the Palani account of '78-'79 the Petn's land is shown as No. 15 with an extent 1½ Khandies with an adjoining No. 14 shown as a Sirkar Channel with an extent 2 Kolagas; that according

5

of any Govt waste as such between nos. 14 & 15 or within the boundaries of the Petis main land no. 15, that the entries regarding the sub. nos are misleading and do not help in deciding the question of encroachment; that at the survey and settlement since introduced into the Taluka Petis main land no. 15 was shown as S. nos 42 & 43 measuring A. G. 2-16 & 2-18 respectively thus exceeding the recorded extent by A. G. 1-30, & that the existence of an excess in a Petis holding has probably formed the chief ground for a charge of encroachment against him.

The Dy Comnr further states that the Amildar reports that S. no. 42 is shown as Sirki pending final orders on the Petis appeal to Govt.

Bgm. 1/2/00.

The Sd Comm's report goes
to show that the alleged
encroachment is rather
doubtful. On the earlier
pahani accounts the
western boundary of the
pet'r's own Land is
shown as Poyakalve
(no 14). The subsequent
pahani accounts have
treated a doubtful strip no 15 between no 14 & pet'r's
-said to be Sircar waste -
which the pet'r is said to
have encroached. In this
the Sd Comm's report also
shows that the pahani
accounts in question were
prepared by a Karnam
a few days ago admittedly
brought in by the pet'r (illegible)

15/3/08

to the Pahani account of 82-83,
a copy of which authenticated
by the Sheristedar of the Cole
Ramghar Jodidar's office is only
available, the Govt inam land
No. 15 is bounded on the north east
by Jeelagatti, on the west by
the channel, No. 14, and on the
south by an occupied land
No. 16, that in the same account
as Sub-number 15/1* is shown
as dikar waste contiguous
to the channel; that in the
Pahani of 1886-87 sent up
by the Auildar this piece
of dikar waste is shown under
No. 14 as Sub-no. 1 instead
of under No. 15 as shown
in the account of Chitrahana,
that it is not clearly ascertainable
when and under what cir
cumstances a sub number
came to be shown in the
recent Pahani accounts and
that no satisfactory evidence exist
as to the existence or otherwise

* with an extent
of 2 Kolapas

Gen. Serial No. 32.] (1) 1895.

L.R. 83-94

No. 20 September 1894

Name of Petitioner. Ramaswami

Village. residing at Vadapalani

Taluk. Saidapet Taluk.

District. Chingleput

Date of Arzi. 11-2-95

Date of Receipt. 13-2-95

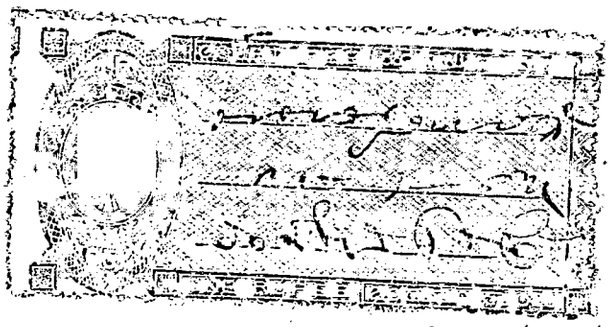
Date of Disposal.

No. of Enclosures. 3

ABSTRACT.

Original applicant died pending proceedings - Legal Heirs in Rev. Dis. appeal No. 6 of 1894-95 on the file of Dist. Court - filing petition for withdrawal upon post land and unauthorised cultivating it -

Dis. Collr. appeal dismissed by Board of Revenue appeal



One rupee Stamp affd

No. A.S. 116 of 1896

His Excellency Sir K. Sheshadri Iyer

B.A. B L K.C.S.I.

Dewan of Mysore

H. COURT DEWAN'S OFFICE.
PETITION FILED
REGD. No. 2009 of
DATE 13-2-95

The petition of Ramasastry residing at old agrahar Village Mall Street Mysore.

That the petitioner above named respectfully begs to state as follows.

1. That the petitioner has appealed (vide appeal petition herewith filed) against the order of the Deputy Commissioner Mysore in Book No 7 of the Village of Kurahatti attached to Raichoor Hobli Nanjangud Taluk for 1885-86.

2. That at the time the above order was passed the petitioner was a minor of 9 years of age. His mother was a widow. Her only male relative one Ramanna her sister's husband who lives at Kyatanahalli 45 miles from Mysore took no interest in petitioners welfare. The petitioner was therefore in effect unrepresented in the proceedings which resulted in the Deputy Commissioners order of 1885-86.

3. The petitioner who has just completed his eighteen years of age is a student in the Maharaja's College and has just passed his Matriculation Examination. (vide Certificate of Mr W. E. Ridfern herewith filed).

2010 No. (34) One rupee Stamp affd. Ex 3 5 50 23 6-8-96

His Excellency Sir K. Sheshadri Iyer
B.A.B.L K.C.S.I
Dewan of Mysore.

MYSORE STATE COURT
PETITION DEPARTMENT
REGD. No. 2010 R
DATE 13-2-95

A.S. 116 of 1894

The petition of Ramaswamy residing at — old Agrahar Ittragi Malt street Mysore.

The petitioner above named respectfully begs to state as follows.

1 That the petitioner is the owner of land called Gerumarada Gudda consisting of 3 pieces bearing Pahani No. 18 situated in the Village of Kurahatti attached to Rampoor Hobli formerly Jodi but now resumed by Government. The petitioner has been enjoying this land as Inam under title deeds Nos 87485; 87486; 87488. paying to the Government Rupees 3 as Quitrent.

2 The above mentioned land is, according to Village accounts up to 1882-83, bounded on the north and east by the Yechayalli Village boundaries on the west by the Roya Kalvey or the Government Cannal No. 14 and on the south by lands No. 16 & 17

3. That within these boundaries there is no land other than the petitioner's Inam land. The petitioner and his predecessors have been cultivating and enjoying the whole of the land from time immemorial.

4. That the petitioner was not aware of the Deputy Commissioner's order above referred to till his after his mother's death which took place about 3 or 4 months ago when Ramanna of Siddhalakatte handed over to him the papers connected with the case.

5. That on receipt of these papers the petitioner appealed to the Deputy Commissioner against the orders of the Jamabandi Officers of 1892 & 1894 who following the Deputy Commissioner's order of 1885-86 fined the petitioner for alleged unauthorized cultivation of Government land.

6 The Deputy Commissioner while refusing to hear the petitioner's Counsel on the merits of the case desired the fines in consideration of the fact that the petitioner was a minor and that his so-called guardian Ramanna did not properly deal by the petitioner.

7. The petitioner therefore prays that in view of the facts (1) that the petitioner was a minor & (2) that his mother was a widow (3) that the petitioner was not duly represented, Ramanna a distant relative living at a distance of 60 miles having taken no interest in petitioner's case, the appeal may be admitted and the grievous wrong done to the petitioner may be redressed by reversal of the Deputy Commissioner's order.

Ramaswamy
Residing at old Agrahara
83 Dottarajee Street
Mysore

11th Feb: 95
Mysore

4. The Jamabandi Officer in 1892 being of opinion that the petitioner encroached upon Government land No. 14 (1) measuring 3 Khandis 8 Mans as included in the Inam No. 15 without permission, fined the petitioner Rupees 5. The Jamabandi Officer in 1894 again fined the petitioner observing as follows:—

"In the year 1886-87 the Deputy Commissioner decided that the land in dispute belonged to Government. The Jamabandi Officer in 1892 imposed a fine of Rupees 15. The petitioner therefore was not justified in cultivating the land during the last year and the current year. For cultivating the land last year no steps were taken because reference to former records was considered necessary, therefore a fine of Rupees 20 is imposed for the 4 years cultivation of the land and Rupees 25 for the current year. The land in dispute cannot be considered as forming part of the Inam land until the Deputy Commissioner's order is cancelled in appeal." Copies of orders passed in 1892 and 1894 are herewith filed.

5 That there is no Government land within the boundaries mentioned in para 2 except the petitioner's Inam land. The allegation, that there is a piece of Government land No. 14 (1) within the aforesaid boundaries and that the land has been usurped and included in the Inam land No. 15 is not at all true. This fact is perfectly clear from the Panani accounts for the years 1872-73, 1873-74; 1874, 75 and 1875-76, Extracts from which are herewith filed and which do not show the existence of any such land as No. 14 (1).

9. That during the time in which the aforesaid transactions occurred the petitioner was minor and he was not properly represented. Ramanna, the husband of the petitioner's mother's Sister residing at Pyriapatam 40 miles from Mysore where the petitioner lives, never showed much interest in petitioner's welfare. That the petitioner was not aware of the order of the Deputy Commissioner & till after his mother's death which took place about 3 or 4 months ago.

10. That the petitioner who has just completed 18 years of age is a Student in the Maharaja's College and has just passed his Matriculation Examination.

11 That, in the year 1885-86, on the false representation of the Village officials the Amildar reported that land No. 14 (1) was encroached upon and cultivated by the Inamdar without permission observing that no mention of this land was to be found in the accounts till 1881-82 but still concluding that it was Government land on the sole ground that on measurement taken by a Taluk Gumasta of the entire land within the boundaries mentioned in para 2 there was an excess of 3 Kadus 15 1/2 Manas over the extent of the Inam land as given in the Inam Settlement accounts.

That this order is not sustainable in the face of the admission of the Amildar.

That the petitioner and his predecessors have been enjoying the land in dispute as forming part of their Inam for over 80 Years and the fact of a slight difference in measurment cannot operate to depri[illegible] the petitioner of the land.

6. That when the Jamabandi officer in 1892 inspected the land one Ramanna the husband of the petitioner's mother's sister, the petitioner being then a minor, made the following statements before the Amildar of Ranjangode:—

(1) That there is no Government land in the place mentioned in the order but the petitioner's Inam land.

(2) The demarcation marks or bands were put by the Survey officials on a consideration of the boundaries as given in the accounts and enjoyments of the petitioner and his predecessors.

(3) The cutlet bonds expenses have been paid by the petitioner

(4) In the confusion consequent on the resumption of Jodi Rampoor by Government, the Village officials with the intention of gaining profit by having a portion of the petitioner's Inam land given to somebody else have, unjustly devised false accounts showing for the first time in 1882-83 year's account that the land in dispute bears Re. 1-8-0 and in 1885-86 year's account as Re. 1-4 (1).

7. Neither the Deputy-Commissioner nor the Jamabandi officer examined the Case with reference to the Statements made as aforesaid and the Pahani records of the years 1872-73; 1873-74; 1874-75; 1875-76 &c.

8 In order to know the nature of the order passed by the Deputy-Commissioner in the year 1886; many applications were made by Ramanna for copy of Deputy Commissioner's order. But all these were of no use and no copy was received in due times.

12. The petitioner therefore prays that in consideration of the fact that the petitioner was a minor and not properly represented by any body in the proceedings which resulted in the Deputy Commissioner's order in 1886 and his mother a widow the appeal may be admitted and the Deputy Commissioner's order may be reversed.

Ramaswamy

Resident of 83 Agraharam

83 Cottaipet Hutt

Near Salem

11th Feb: 1895

Salem

Pet 1257

12

11/2

MYSORE DEWAN'S OFFICE.

Petition Department.

OFFICIAL MEMORANDUM

LR 8394-2

The accompanying Petition No. 2094-2/95

dated 11-2-95 received at the Dewan's Office from Ramaswamy Mudaliar praying against the order passed by Commr. in Rev. Suit appeal No. 6/93-94 on the file of the Court of Asst. Commr. Bangalore Division to enquire into & report

Petition of Complainant

forwarded, together with its Nos. Three enclosures, to the Dy. Commr. Bangalore District for Enquiry & report after the entire records connected with the case together with a short statement of the facts of the case and on the points urged in the petition

2. The petition with the enclosures should be returned

By Order,

for Chief Secretary

BANGALORE,
12-3-1895.

20. Records.

SMR 14/3.

M.G.C.P.B.—19-2-95—1,000

14/3

20/3/95

No. 146
Enclosures No. 5 and Map

DEPUTY COMMISSIONER'S OFFICE,
MYSORE DISTRICT,
Dated Mysore 2 June 1895.

Sl3

L.R. 83-94-3

To

The Secretary to the Government of Mysore,
Revenue and General Departments.

SIR,

With reference to your official memorandum No. Cir. 1297 dated the 2nd March 1895 and enquiries No. Cir. 2040 dated the 2nd May 1895 forwarding for report 2 petitions addressed to Government by Ramaswami pujaree in old Agrahar of Hemake complaining of the fine imposed upon him for having unauthorizedly cultivated a portion of Government land bearing No. 14 in the Kunkatte village of the Ramapura hobli of the Ramanagar taluk, I beg to state as follows:-

2. The petitioner is the son of one Kadi-patty, Shastri residing on Inam land No. 15 in the said Kunkatte village. In the year 1885-86 (Fasli) Nitchiara the cultivator of the inam land was reported by the amildar to have encroached upon a portion of the adjoining Government waste land viz the said No. 14 and to have ploughed it. The (the Cultivator) said that he ploughed it

as

as it was lying waste. The Inamdar said that the land said to have been encroached upon was a part of his inam. But on measurement the inam land was found to be more than its recorded extent by A. G. M. 10 guntas. The recorded area is 1-10-0. Land Rs. 14 said to have been encroached upon appears in the Sahani as "Rale" (Channel) and is said to consist of 0-2-0 of dry land (or 18 khalgas of wet). The villagers said that the portion said to have been unauthorizedly ploughed belonged to it (Rs. 14), and stated that the then Deputy Commissioner ordered on the 1st April 1886 that it should be resumed. After the lapse of about 5 years, i.e. in the year 1891-92 Ramanna, who was the manager of the petitioner's deceased again cultivated a portion of the land resumed, measuring 0-3-15½ of wet land. This was reported by the Amildar at the Jamabandi. Ramanna was fined Rs. 5 by the Jamabandi Officer and the land was ordered to be resumed. In spite of the above order Ramanna continued to cultivate it in 1892-93 and the case was again reported for orders. The Jamabandi Officer called for the previous papers. The cultivation of the land was continued by Ramanna during the following year also viz. 1893-94. The matter was again put up for orders with the previous papers. Mr. N. Venkata Rao the Jamabandi Officer fined Ramanna on

the

the 3rd January 1894 Rs 20 for the unauthorized cultivation in 1892-93. and Rs 20 for the same act done in 1893-94 and ordered the resumption of the land. Ramanna thereupon preferred an appeal to this office. The Joint Deputy Commissioner considering the fact that the petitioner was a minor reduced the fine to Rs 20 for both the years declining to reopen the question decided by Mr Sheddon Khader whether the excess portion in dispute viz 0 — 3 — 15½ belongs to the petitioner's inam land Rs 5 or was a portion of Government land Rs 17. The petition under report is an appeal against that order.

3. The petition under report and the enclosures received with the memo under reply and the entire record of the case are herewith submitted.-

I have the honor to be,
Sir,
Your most obedt servant,
[illegible]
Deputy Commissioner
of the Mysore District

Comko.
ulu.

206

1895-96 G.L. 92 & 93
Pet 798
N. 96

From (5)

The Deputy Commissioner
of the Mysore District.

To

The Secretary to the Government of Mysore
Revenue and General Departments.

Dated 9th
Despatched } June 1895.
Received

Enclosures No. Petitions Nos 2004 & 2018 with 3 enclosures & records.

No. 1467

Reporting on the petition of Ramaswami residing in old Agraharam of Begur complaining of the fine imposed upon him for having unauthorizedly cultivated a portion of Sy No 14 land bearing Sy No 14 in the Kundurtti Village of the Kampur Hobli of the Ramanagaram Taluk.

Virtually it is Mr Hodnett's order that is now appealed against & Mr Hodnett recommended 4 years ago. Decline interference & dismiss the petn. send copy of endorsement to Dy Com'r

21.7.96

Drafted
31/7/96

Pet 11/6

Submitted in reply to Mr Secretary's Memo order No B-1 2504.
13/6 with a connected case
13/6
15/6
15-5-96

No. 20-8696

6-8-96

MYSORE DEWAN'S OFFICE,

PETITION DEPARTMENT,

4-8-1896

LR 83-94

Endorsement granted to Ramasamy, Uttaradi Mat[h] No 83, Street, Adigalar, Mysore

in reply to his Petitions Registered No. 20-8696 dated 1-2-95 appealing against the order of the Deputy Commr Mysore dismissing petitioner for unauthorized cultivation of Govt land. G.O. 4 of Circulate dated

Petitioner is informed that ~~as the order appealed against~~ (Appellate Court, by order dated 2-12-95 in Civil Appeal No. 158 of 95 reversed the decree of the Munsiff Mr. Abdul Khader dated 29-11-95 in O.S. No. 550 of 95) ~~was passed many years ago, Govt decline to interfere in the matter. The petition is rejected and~~ the enclosures ~~of the petitioner are forwarded~~ returned.

"By Order"

Draft 4/8

~~Chief~~ Secretary.

M. G. C. P. Bangalore—6-3-94.—2000.

Copy of the

Pol 229 Emigrant Vessels file 94/6 - 8-96.

Copy of the above endorsement is forwarded to the Deputy Commr, Mayo for information.

2. The vessels referred to in the 1st para of the letter are herewith returned.

By order

Asst. [illegible]
for Secretary.

Raj

References

L.R. 8394

1896

No. 1783.

Name of Petitioner Ramasamy

Village No 63 Nittanda mutta Street

Taluk Old Agrahar Mysore

District Bangalore

Date of Arzi 4th December 1896

Date of Receipt 7th December 1896

Date of Disposal

No. of Enclosure 2.

ABSTRACT.

With reference to Govt. Order No. 2009 / 2010 dated 4-8-96 declining to interfere with the order of the Dy. Comr. Mysore, he requests that his appeal may be reconsidered & submits that the Memorial which and the order appealed against are in English.

BG
11/12/96

Stamps sufficient (exemption)

Stamps sufficient of 2 Rs 3 annas affixed)

Out of time by about a month

(endorsement recalled petr on 6/8/96 & application for review on 4/12/96.)

Petr applies for review on the ground that he was a minor in 1886 & that his mother was a widow and that his manager did not properly manage the case.

It is submitted that the Dy Comr in his decision of 12/11/94 recognized this & showed some consideration

Submitted to the 2nd Councillor

BG 21/12/96

Requested

L.R. 2009 / 2010 of 4-8-96

I submit 29.8.96.

SLS

Mark

1912

Note

I 10/12

Mem. regarding the application for review of the order passed by the Revenue Councillor of record to put on 6.8.96.

Stamps sufficient

I 19/12/96.

(8)

MYSORE DEWAN'S OFFICE,

PETITION DEPARTMENT.

OFFICIAL MEMORANDUM.

The accompanying Appeal Petition No. [illegible] dated [illegible] received at the Dewan's Office from [illegible]

is forwarded, together with its [illegible] enclosures, to the Deputy Commissioner of [illegible] District for submission of the entire proceedings connected with the case, together with a full report of the facts of the case, and on the points urged in the petition.

2. The petition with its enclosure should be returned.

By order,

Chief Secretary.

BANGALORE,
[illegible] January 189[illegible]

M.G.C.P.B.—25-1-93—1,000.

Given for precis
19/4/97

pd with precis
19/4/97

Submitted with a precis note
reference to the Revenue
Commissioner's order on the
petn No 1783 of 6-12-96

19/4/97

The Dy Comm's report did not deal
with the question of title except
incidentally & did not discuss
petr's grounds of appeal.

The reports as well as the records
& memorandum in the precis) be laid before
for final disposal on the merits.
Sd/ D 22nd Comm'r
with precis
27/4/97

10/8

6188

1895.

From

The Deputy Commissioner
of the Mysore District.

To

The Secretary to the Government of Mysore,
Revenue and General Departments.

Dated 13th March 1897.
Despatched
Received

Enclosures No. Copy of report
Petition &c.
1783 with 4 En.
& records.

No. 1411

Reporting on the appeal petition of
Ramaramma residing in old
Agrahara, Mysore.

Petitions Branch
19.3.97

R.O.
20/3
Submitted with reference
20/3

Subd
Upr
12/5

(10) 1897

From The Secretary to the
Government of Mysore.

To The Deputy Commissioner
Mysore Dt.

L.R. 83-94

Dated 4th
Despatched 7 Aug/97.
Received
General No. 9763
P. No. 1644
Enclosure No. 1 & record.

His letter No. 1611 dated 13th March 1897 reporting on the petn of Ramaswamy of old agrahar Mysore

has the honor to request that a sketch of the land showing the land in dispute togeth with the earliest Pahani account in which separate No. has been given may be submitted as early as practicable.

(See marginal note) It is noticed that the boundaries of this land has not been surveyed and settled.

2. The records and the petn with enclosures are returned for reference and

The D.C. Comm^r is also requested to report if this land has been surveyed & settled.

und resolvieren

By order
[illegible]
Asst Secretary

$\mathfrak{L}_2$ Profe.

$\mathfrak{L}$ 4/5/27

(51)

No. 1411.

Deputy Commissioner's Office
Bijapur District.
Dated Bijapur, the 13th March 1897.

To
The Secretary to the
Government of Bombay
Revenue and Civil Department.

Sir,

With reference to your Revenue Memorandum No. 1018 dated the 7th January 1897 calling for report on the appeal petition of Ramachandra residing in this Agrahar Bijapur appealing against this Office order in Revenue Miscellaneous Case No. 6 of 1894-95 I have the honor to submit herewith the enclosed proceedings connected with the case and to state that a full report of the facts was submitted in this Office Letter No. 1456 dated 9th June 1896. A copy of that report is herewith enclosed for ready reference.

2. The petitions and its four enclosures received with the Memo under reference are herewith resubmitted.

I have the honor to be,
Sir,
Your most obedient servant

Deputy Commissioner
of the Bijapur District.

Reforwarded
16/10/97

1644

1897 (C)

1783 Fit memo dt 16/10/97

Issue
16/10/97 Report wfr. Sd 9

Submitted with draft
reminder for approval
18/10/97

CR 83-94-9

No.	929
Name of Petitioner	T. K. Ramaswamy Son of [illegible] residing at
Village	Kazinattam
Taluk	Ole Agrahar Nattatrajee Dy Sd
District	Mysore
Date of Arzi	6-10-'97
Date of Receipt	11-10-'97
Date of Disposal	
No. of Enclosure	Nil

ABSTRACT.

States that he appeals to this office in Dec: 1896 that this appeal-petition sent to the Dy Comm^r for report (vide Sub^t No 1783, ~~[illegible]~~ that as the measurements ~~which took place~~ (which ensued after) of his Inam lands were ~~[illegible]~~ in his absence he want the Amildar to personally get it measured, which, he was told, was impossible

that the petitioner ready to give many

to prove that the land in
dispute belongs to him;

that the Auditor's report
to the effect that the land No 46 (1)"
was encroached upon and
cultivated by the Inamdar without
permission" was based
false representation of the
Naya officials;

that the land has been in the
enjoyment of the family for
over 80 years, and that a slight-
difference in measurement cannot-
operate to deprive the petitioner
of the land";—

that he is a student in the
Fa. classes and cannot afford
to divert his attention to this
land-dispute frequently;-

Prays that the records mentioned
in his appeal petn may be examined;

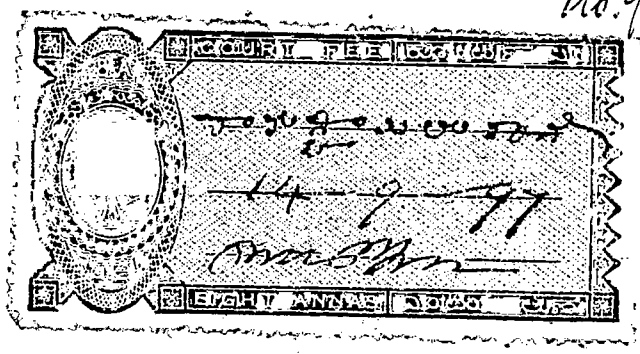
that he may be heard in person;

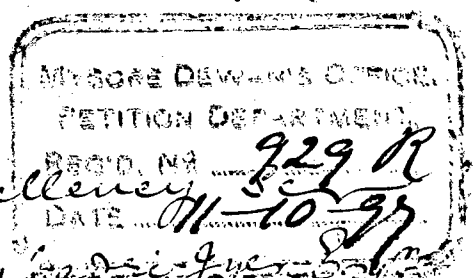
that an equitable order
reversing the order of the Inamdar's Asst
& the D/Collr's may be passed;—

and also that the recovery of the
fine may be held in abeyance
pending the disposal of this case.

No. 929

Report sent
11-10-97
to Eighth Assistant Office
References





To

His Excellency
K. Seshadri Joyer Esqr.
B, A. BL.

The Dewan of Mysore

The petition of Ramaswamy Son of Kasinatha Sastry residing at Old Agrahar Dottarajee Mutt Sirsi Mysore.

The petitioner begs to state as follows:—

1 That the petitioner is the owner of the land called Garo Guard a Gadde, consisting of 3 pieces bearing Pahani no. 15, situated in Koorahatty Village attached to Ranpur Hobli formerly Jodi but now resumed by Govt.

2 That the above mentioned land did according to Village accounts up to 1882-83 is bounded on the North and East by the Achigatty Village boundaries, on the west by the Raya Raisore or Govt. Canal

Canal no. 14 and on the South by land no. 16917.

3. That within these boundaries there is no land other than the petitioners freehold; this fact is made clear by the Panchayat accounts up to 1882-83 and also by the report made by the Amildar at the time of Jamabandi in 1885-86; the petitioner and his predecessors have been cultivating and enjoying the profits of the whole land for more than 80 years; such being the case, new accounts were created from 1882-83 showing in one year's account that the land in dispute bears no. 5(1) and in 1885-86 year's account no. 14(1); And the Panchayat and officers in accordance with these new accounts, being of opinion that the petitioner encroached upon Govt. land fined the petitioner

4. That the petitioner filed an appeal in Govt Revenue Court in December 1886; and for which an

an indorsement order ~~was given~~ no. 1783 was given him on 7-1-97 to the effect that his petition was sent to the deputy Commissioner for report. Since that time the petitioner did not receive any order or notice.

5 That ~~Son~~ now some days ago the petitioner was informed by his ryot that his land was measured by the Land Inspector; then on the 8th ultimo the petitioner went to Tanjavur and requested the Amildar to let him know the reason for getting the land measured through the Land Inspector; the Amildar told him that the Govt wanted a plan of the land in dispute and some other records and so the land was measured

6. That the petitioner, then, requested the Amildar in the following manner :— "(1) That the petitioner was only 4 years of age when he lost his father.

(2) That some two years after the death of his father his ryot and the Sanabhogam of the Village, taking advantage of that opportunity got new

(94)

Accounts created in the confusion consequent on the resumption of Jodi by Govt, with the idea of gaining profit by having a portion of the land given to some body else.

"(3) And that at present the Land Inspector might have, with the inducement of the same person, submitted such a false as might be against his statements. The land was not measured in his person.

(4) Therefore he Amida requests your honour to see personally the nature of the land in dispute and get it measured in his person."

For these the petitioner was told by the Amida that it was not possible then.

7. That the petitioner is ready to give several sorts of evidences to prove that the land in dispute belongs to him.

8. That on the false representation of the village officials the Amida reported that the land no. 46 was encroached upon and cultivated

(P3)

cultivated by the Inamdar without permission, observing that no mention of this land was to be found in the accounts up to 1882-83 but still concluding that it was Govt. land on the sole ground that on measurement of the entire land within the boundaries mentioned in para 2 there was an excess of 3 khandis 15 1/2 mannas over the extent of the Inam land as given in the Inam Settlement accounts.

That this ~~land~~ order is not sustainable in the face of the admission of the Amildar. That the petitioner and his predecessors have been enjoying the land in dispute as forming part of their Inam land for over 80 years and the fact of slight difference in measurement cannot operate to deprive the petitioner of the land.

9. In conclusion the petitioner begs to say that Student as he is at present it is very difficult for him to meddle with these affairs. Last year too as he was very much troubled with this case & he got plucked in the F.A. Examination. This year too he has appeared for the Inam. As he is really poor he is frequently compelled

//

(P6)

Compelled to direct his mind towards this case. Though the land in dispute really belongs to the petitioner's forefathers land yet the village officials, as stated above, some years ago created false accounts and put the petitioner to such a great difficulty. Therefore the petitioner humbly begs your honour to examine all the records which the petitioner makes mention of in his appeal petition and hear his statements in person by allowing him to represent himself before your honour, and then with a judicious eye to reverse the previous orders of the Jamabandi officers and the Deputy Commissioner.

10 As the petitioner is demanded by the Amildar to pay off the fines, he requests your honour to keep the fine in abeyance till the case is decided by your honour.

6th Oct. 97.
Mysore

T. K. Ramaswamy

W 5340/97 & 29/5/97

Pet: Br. —
Please refer —
case & enquire as to 15-3-97
23/10/4, Petition 9259, 6/11/97
Dno
11/11/98
9/13. 11/11/98 L.R. 8394
Refs put up

AK
11/11/98
Subs

SR 10

1) cc & Despatch
2) Postings
My 15/11/98

15/11/98

1898 REVENUE DEPARTMENT
G.O. No. 2975-1
NOV - 7 1898
No. 189
DEWAN'S OFFICE

From

The Deputy Commissioner

Mysore District.

To

The Secretary to the Government of Mysore,
General and Revenue Departments.

Dated 1st
Despatched November 1898.
Received

Enclosures No. Records & original book

General No. 422.

Submitting further report on the petition of Ramaswamy & old Agrahar, Mysore.

Pet V
5.11 gr

Rec'd 8/11/98

Genl Rs.
Please put up the refs

AK
11/11/98 L.R. 701

(12½) Urgent

1898-99.

(41)

From

The Secretary to the Govt. of Mysore,
General and Revenue Departments.

To

The Deputy Commr
Mysore District

Sl 11

LR 83-94-98 FE

Dated 9th January 1899.

Despatched

Received

General No. 4676
P. No. 549

Enclosure No.

His letter No. 4228 1-11-98
reporting on the petition of
Ramaswami of Old Agrahar,
Mysore, appealing against the
order of the D.C. Mysore Dt.,
fining him for unauthorized
cultivation of S. No. 14 of Karahatti Village,
Hobli, Nanjangude Taluk.

With reference to the above
has the honour to request
that the Dy. Commr will
be so good as to direct the
village Shanbhog to be for
before

before Govt on 6th February 99
to which date the appeal of (65)
Ramaswami stands posted for
hearing.

Draft
Abn
9/1/99.

By Order
For Secretary

(Asst Secy's order.)

No. 422

Enclosures No. Records & Original book.

OFFICE OF THE Deputy Commissioner
MYSORE DISTRICT,
Dated Mysore Nov 1st 1895.

To

The Secretary to the Government of Mysore,
General and Revenue Departments.

SIR,

Adverting to your docket No. 9662 dated 7th May 1894, calling for further report on the petition of Ramaswamy, of old Agrahara, Mysore, appealing against this office order in Revenue Miscellaneous appeal No. 6 of 1893-94, regarding the fine imposed on the petitioner for unauthorized cultivation of Government land, I have the honor to submit herewith, as per accompanying docket, a file of records ending with the Assistant Commissioner's Yadi No. 102, dated 23rd August last, to which is attached a sketch shewing the petitioner's inam land Naja No. 15 of Hurahatti village, Nanjangud Taluk together with the adjoining Government waste land (Naja No. 14) encroached upon by him.

2. The Circle Report to that Hurahatti is one of the villages of Gadi Kanpur resumed to Government in 1884-85 for failure of the Jodidar to pay the arrears of revenue due

due thereon to Government and that none of the old Pahani accounts of the village are available.

3. The taluq has not yet been brought under Survey Settlement.

4. The petitioner states that his inam land which is wet, was acquired by his great grandfather in 1836, by purchase from the previous owners and he avers that the extent specified in the sale deed is 1½ Kandies equal to 3 acres, 4 guntas, whereas the extent actually in his possession is as ascertained during the Phut Pahani, 3 acres, 31 guntas. It is thus clear that the petitioner has encroached upon 2 guntas of land out of the adjoining Government waste No. 94.

5. It is reported that the petitioner has not given up the land encroached upon in spite of the fines repeatedly imposed upon him, but that he unauthorizedly cultivated it in 1895-96, 1896-97, and 1897-98.

6. In conclusion I regret to add that the records and other enclosures received with your docket of under reply have been misplaced. The Amildar states that they were sent to the Asst Commissioner's office by post on the

the 20th September 1899 with his bill
No 115 of the 18th idem, and forwards
the daftar book of his Cutcherry
which contains an entry made
by a Jamadar to shew that the
cover containing these papers was,
along with certain others, delivered
to the Mushalchi to be carried to
the post. The Mushalchi whose
acknowledgment has not been taken
in the daftar book states that all
the Covers entrusted to him have
been duly posted by him. ,
7. The 2nd Assistant Commissioner
reports that the Cover was not
received at his office, and the Sub
Post Master, Tanjungoli, states that
if the Cover was posted it would
have been sent to its destination
in due Course. The Daftar Kanungo
is alone to blame for not
sending the Records as a parcel
or in a duly registered Cover, and
for having entrusted the work
of despatching these important
papers to a Jamadar. Further
enquiry will be made and if the
records be found they will
be submitted. —
I have the honor to be
Sir
Your most obt Servt

Deputy Commr Nagpore Dt

Compd
Ltr.

(13) 1898-99.

From

The Secretary to the Govt. of Mysore,
General and Revenue Departments.

To The Deputy Commissioner,
Mysore District.

Sel 12

L R 83-94

Dated 16 January 99

Despatched

Received

General No. 4774
No. P. 565

Enclosure No.

His letter No 422 dated 1st November 1898, reporting on the Petition of Rangachar of Mysore regarding the fine inflicted on him for unauthorized cultivation of land in S.No. 14 of Kasaba Nanjangud Taluk.

With reference to the above has the honour to request that the Deputy Commissioner will be so good as to forward to this office at an early date the records of the above case (which are reported to have been misplaced) if they have been found, & to state if the

further enquiry regarding the loss of the Punch
of the above letter has been
made and if so with what
result.

By Order

Draft
Blu
12/1

For Secretary

Mysore 1898-99. (134)

From The Secy to the Govt of Mysore

To The Deputy Commissioner
Mysore District.

L.R. 83-94

Sl 13

Dated 26th January 99.

Despatched

Received

General No. 5243
P. No. 614

Enclosure No.

In continuation of the office docket No. 614 dated 19th January 99 asking him to direct the Shanbhag of Kraiatti, Nanjangud Taluk, to present himself before Govt on the 4th proximo in connection with the appeal of Ramanna of the above village, Mysore, I am the honour to state that the above case has been adjourned to the 13th proximo and to request that he will be good enough to direct the Shanbhag to be present before Govt on that date.

I have the honour to be
Sir
Your most obedient servant
Secretary

CR
26/1/99 Draft
Ben

(16)

1898-99.

From

The Secretary to the Govt. of Mysore,
General and Revenue Departments.

(72)

To

The Deputy Commr.,
Mysore Dt.

52 16

L.R. 83-94-16

Dated 4th February 1899

Despatched

Received ✓

General No. 5275 P

P. F. No. 52-98

(150)

Enclosure No. 1

With reference to his docket No. 677830-1-1899, has the honour to return, as requested therein, the Jappal Book of Nanjangude Tk submitted with his letter No. 4228/1-11-98 in connection with the loss of records in the ~~case~~ appeal of Ramaswamy of Old Nanjanagudu, Mysore, ~~for~~ regarding the fine levied on him for unauthorized cultivation of Govt land in the Karahatti village, Nanjangude Taluk.

By order

For Secretary

Draft
Klm

(14)

REVENUE DEPARTMENT
Gl. No. 472
FEB 3 1899
SECRETARIAT
REVENUE OFFICE

Gen. 31

L.R. 83-96.

Page 5 N 3214
1-2-99. 3/2

Read 4/2 Ors: No 4774/565 d/16.1-99.
+ connected papers are sent the Council clerk.

AK
4/2/99

Reply due 4/2/99

DF 82 of 98 relating to the correspondence, file received from the despatcher + put up

AK
6-2-99

To Council clerk Inhabit

7.2.99

From

The Deputy Commissioner
Mysore District.

To

The Secretary to the Government of Mysore
General and Revenue Dept.

Dated

Despatched 27th January 1899.

Received

General No. 664
No.

Enclosure No. —

With reference to his docket No. 4774/P.565 dated 16th January 1899, calling for a report as to the result of the further enquiries regarding the loss of the record connected with the petition of Ramaiyangar of old Agrahara, Mysore, appealing against this Office order fining the petitioner for unauthorized cultivation of land No. 14 of Kanabetta, Nanjangud Taluk.

In reply, I have the honour to state that the Amildar of the Nanjangud Taluk reports that the further enquiries made by him in the matter have proved fruitless, that the record could

could not be traced and the Canadian who deputized it, has since resigned his appointment.

Deputy Commissioner
Clayton District.

Compliments

Rec'd 4/2.

Pro: No 5043 / 614 dt 26-3-99

Connected papers relating to the Bt Ramaswamy of Mysore, one with the Council clerk.

4-2-99

Rec'd since

4/2/99

Railway No 5225 / 5-2-98 dt 4.2.99

CR 83-94

542

(19)

Gen. 31]

REVENUE DEPARTMENT
G. No. 4689
B. 1 JUD
Feb 28
* OFFICE *

1899

From The Deputy Commissioner
Mysore District

To The Secretary to the
Government of Mysore
Revenue & Genl Depts

Dated 31st
Despatched } January 1899
Received

General No. 677
No.

Enclosure No. —

Has the honor to request that the Appeal book submitted with this office letter No. 422, dated 1st November 1898, in connection with the appeal petition of Ramaswamy of old Agrahar, Mysore regarding the fine imposed on him for unauthorized cultivation of Government land may kindly be returned for reference and re-submission. —

Deputy Commissioner
Mysore District

Comptroller.

L.R. 83-94

Sel 7

(17)

1899

No. 1868

Name of Petitioner S. K. Ramasawmy
Head Master

Village English School

S. Taluk French Rocks

District Plaine

Date of Arri 25. 5. 99

Date of Receipt 27. 5. 99.

Date of Disposal

No. of Enclosure Nil

ABSTRACT

Suite that when he had come to be present in case Petn. No. 83 of 1896-97, on 29.3.99, he was able to come 2 months later, until the records of the case that record be received on 3.5.99 to the 2nd Commr. to return the papers filed by him in this appeal case of 1896-97 that though he gave 2 or 3 reminders to the 2nd Commr and gave petitions to the Auditor on 3.5.99 & 11.5.99 requesting to send these certain papers which have not been received

Has relates to an adjourned case which had been posted for hearing on 3.5.99. At the time of hearing on 29.5.99 the Petr was asked to produce the references in explanation thereof and he was given 2 months time to do so. (Vide order on the facing sheet).

The Petr states that he has not been able to get copies of certain papers though he gave petitions to the Auditor and the Agent Board to recommend for a further adjournment of 2 months.

Submitted to 2nd Commr for orders
RM
13.6.99

Mr [illegible]
Has [illegible]
[illegible]
[illegible]
[illegible]
14/6/99

[illegible] day of December
Return file

ll now from either of them; that
he cannot go in person to bring
- required papers on account of
agne.

Prays that he may be given
nother 2 months time.

995

Pet 57.

1899-1900.

P.Z 52 of 98 relating to the subject was put up in L.R. 83-94-19

From

The Deputy Commissioner
Mysore District.

To

The Secretary to the Government of Mysore
General and Revenue Departments.

Dated 11th August 1899.

Despatched

Received

General No. 147

No.

Enclosure No. —

Government Proceedings
No. 441
Pet. 752-781 dated 17th July 1899 calling for the submission within a fortnight of a further report on the petition of Ramaswamy son of Lasina the Shanbhi of Mysore, praying for a reconsideration of the order of Government dated 4th August 1896 declining to interfere with this Office order fining the petitioner for unauthorized cultivation of a portion of Survey No. 14 of Kurahalli

Village, Sanjangud Taluq.

79 — " —

Has the honor to state that the [illegible] report called for in the above [illegible] be submitted within the period [illegible] fixed owing to non-receipt of the [illegible] requisite information from the [illegible] in spite of 2 reminders issued [illegible] on the subject.

The Amildar explains [illegible] No. 57, dated 5th August [illegible] he was engaged in Survey [illegible] in a distant Hobli, he could [illegible] in his report in time and [illegible] to submit the same in a day [illegible] receipt of the necessary [illegible] from the Amildar, the required [illegible] will be submitted.

Deputy Commissioner
Mysore District

25.

MYSORE DEWAN'S OFFICE
PETITION DEPARTMENT.
REC'D ON 18588
DATE 27-5-99

(18) 1.

Proceedings of the Govt of Mysore

L R 88-94

Sel 8

Read:-

Petition ~~Registered~~ No 1753 of 1896-97 presented by Ramanna son of Kalinathashastri of Mysore praying for a reconsideration of the order of Govt dated 4th August 96 declining to interfere with the orders of the Dy Commr, Mysore ~~in the matter of his appeal~~ fining the petitioner for unauthorized cultivation of a portion of ~~his~~ land of Kurahatti village, Nanjangud Taluk.

(2) Correspondence ending with ~~letter~~ docket No 664 & 27/1/98 from the Mysore Registry that the records dealt with in this office docket No 763/1644 & 4 May 1897 have been lost and could not be traced.

Order thereon:-

This case is recommended under ~~seems a hard case~~. The Pahani accounts on which the Pet

Draft for approval
Govt & Secretariat
Sd 13/7/99

11727
13 7 99

441
1 P 52-98 17.7.99

relies and the Dy Commr's order as to alleged encroachment is based, are not forthcoming. The endorsement No. 230 of 23/6/99 granted by the Amildar to the Pet^r shows that a reference has been made to the Shanbhog for the copies with him. The Dy Commr is requested to direct the Shanbhog to produce the said copies, if any, with him and to submit the same to the Govt with the Dy Commr's opinion as to the entries in them relied upon by the Pet^r ~~as early as possible~~. and on all the points raised in the petition & from the date of receipt thereof.

From

To

Dated

Despatched

Received

General No.

No.

Enclosure No.

Enter Draft
Bln
12/7.

For Secretary

To The Dy Commr, Mysore Dt,
with the enct above referred to
and returning the V. P.

17/7/99

Submitted with previous cont. 3/3/00 (20)

Rec'd 7/2/00.

Rec'd 23/3/00

Rec'd 23/3/00

1897 DEPARTMENT
GENERAL No. 5418
REVENUE No. 207.
FEB 9.
DEWAN'S OFFICE.

From

The Deputy Commissioner,

Mysore District.

To

The Secretary to the Government of Mysore,
General and Revenue Departments.

Dated 2.3.00
Despatched
Received } 3 February 1900

Enclosures No. 1 to 4

General No. 798-

I submit a further report
and petition of Ramaswami
Son of Narasimhacharlu
of Mysore.

Read
2/3.
V.F. 52-98 relating to the subject
in question.

3/3. To Council clerk
3.3.00

Rec'd 9. IV. 00

Submitted by Sr Councillor (casheard)
Thy 10/4/00

No. 793

Enclosures No. Receipt.

OFFICE OF THE Deputy Commissioner
MYSORE DISTRICT,
Dated February 23rd 1900.

To

The Secretary to the Government of Mysore,
General and Revenue Departments.

SIR,

Adverting to Government Proceedings No. 441 dated 9th June 1899, calling for particulars, report on the petition of Kanakasunni, son of Kadiam Kandathil, of Mysore, praying for a reconsideration of the order of Government dated 4th August 1896, declining to interfere with this office order fining the petitioner for unauthorized cultivation of a portion of Survey No. 14, of Kuralattil village, Talapparamba taluk, I have the honor to state that the gist of petitioner's contention is that the charge of encroachment brought against him is not sustainable in the absence of any Government waste land within the boundaries of his inam land No. 15, and in support of his case he cited certain old pahani accounts of which those of Bahudhanya (1878.79) and Chitrabhanu (1882.83) alone are available.

In the pahani account of 1878.79, the petitioner's inam land is shown as No. 15, with cultivation of 1 Candy, 10 Kalgas and the adjoining Number 14, alleged to

to have been encroached upon by the petitioner is shown as a Sirkar Channel with an extent of 2 kolagas. According to the Pahani account of 1852 Sd, which is a copy authenticated in the Registry of the late Rampur Collector's office the petitioner's Inam land C.No 15, is bounded on the east and west by Government lands, on the west by the Channel (C.No 14) and on the South by an unsurveyed land C.No 16, and in the same account is shown under C.No 15, a Sub number — 1, as Sirkar Waste, contiguous to the channel, with an extent of 2 Kolagas.

3 The claimant has also sent in the Pahani account of Vijaya (1856 Sd) which shows a piece of Sirkar Inam land of 2 kolagas, as Sub number 1 under C.No 14, instead of under C.No 15, as was exhibited in the account of Chitrabhanu (1852 Sd). It is not ascertainable when, and under what circumstances a Sub number came to be shown in the recent Pahani accounts nor, is there any satisfactory evidence as to the existence or otherwise of any Government waste as such between C.Nos 14 and 15 or within the boundaries of the petitioners Inam land C.No 15. The entries regarding the Sub number are misleading and do not seem to help in the decision of the question of encroachment.

4 During the Survey Settlement since introduced into the taluk the

(86)

that the Petr was a minor in 1885-86 & that his manager did not properly appeal against the order of 1885-86.

3. The Petr preferred a further appeal to Govt who rejected it as being virtually an appeal against the Dy Commrs order of 1885-86 and as therefore barred by time. In reporting on the applicatn for review, the Dy Commr states that the existence of an excess in the Petrs holding probably formed the chief ground for a charge of encroachment against him in 1885-86, that the Pahani account of 1878-79 shows the Petrs dram to be bounded on the western side by a channel while the Pahani accounts of 1882-83 & 1886-87 locate a Govt waste land (no. 15/1 in one account and no. 14/1 in the other

(87)

elween the Pet's holding
d the channel, that the
nb-number whose origin is
not explained is the land said
to be encroached upon and
that the Pet's land has been
formed into 2 S. nos (42 & 43)
at the recent survey Settlement.

Order thereon:- No. 7710 & 27.4.06.
P.F. 52-98)

The Pet. has been hardly treated.
In the earlier Pahani accounts
the channel is the boundary
and there is no entry of any
waste land between it and
the Pet's holding (that is, nos. 14 & 15).
Subsequently a number was
introduced and it has not been
explained why. On one side
was an old holding and on
the other a channel. Under
the circumstances the introduction
of this additional number
seems to be surreptitious and

unreliable

The petitioners inam land Maji No 15, was formed into two survey numbers, 42 and 43, measuring respectively 2 acres 16 guntas, and 2 acres 8 guntas, which make a total of 4 acres 24 guntas, or 1 acre, 30 guntas more than the re-established (3 acres 4 guntas) of the petitioners inam land. The existence of cultivation in the petitioners holding has practically formed the chief ground for a charge of encroachment against him.

The enquiry report that survey No 42, is shown as Sarkar in the settlement accounts pending final orders on the petitioners appeal to Government.

The enquiry records connected with the case as per accompanying receipt, together with a sketch showing the petitioners land in question with its boundaries are herewith submitted for reference, and the enclosures of the Government proceedings made re-ply are returned.

I have the honour to be
Sir
Your most obedient Servt

Asst Commr
for Deputy Commissioner
Mysore District

Compd Hey

ನಂಬರ್
1783

(21)

ರವಾನೆ
28-4-19

ಕು ಶೂಲಪಾಣಿಕ್ಷೇತ್ರ

(4) ಅಚ್ಚಿಂದಾಶ್ಚಿಂಬಿ.ರಾಂ.ಶ್ರೀ ಸೈಟ್ ಸಂಖ್ಯೆ
ಹೊಸ್ಕೆರೆ ಹೊಸ ಸೂಲಂಪಾಳ್ಯದ
ಸಾಕ್ಷಿ ಸಹಿಗಳನ್ನು ಪರಿಶೀಲಿಸಿ
ಪ್ರಮಾಣಪತ್ರ ಕೊಡಲು

C.R. 83-94

Sl 22

ಸಂಬಂಧಪಟ್ಟ ಅಧಿಕಾರಿಗಳು
ಹಳ್ಳಿಗಳಿಗೆ ಭೇಟಿ ನೀಡಿ
ಪರಿಶೀಲನೆ ಮಾಡಿ
ಸಾಕ್ಷಿ ಸಹಿಗಳನ್ನು
ಪ್ರಮಾಣಪತ್ರ
ಕೊಡಲು

"

(10)

By Order

For Secretary

Draft
Clerk
25/4

(22)

Proceedings of the Govt of Mysore

Petitioner — Ramaswami

Dt 14/9/98

Read:-

L.R. 8894

221

Petition No 1753 of 1896-97 presented by Ramaswami, son of Ramanatha Sastri of Mysore, praying for a reconsideration of the order of Govt dated 6th August 1896, declining to interfere with the order of the Dy Commr, Mysore Dt, fixing the petitioner for unauthorized cultivation of a portion of Maji no. 14 of Kurubatti village, Nanjangude Taluk.

2). Correspondence ending with letter No 798, dated 23-2-1900 from the Dy Commr, Mysore Dt, reporting on the above.

The facts of the case are as follows:-

The petitioner is the holder of Inam land no. 15 (measuring 1 Khandiga and 10 Kolagas) in Kurubatti village, Nanjangude Taluk. In

1885-86.

1885-86 the Tahsildar reported that the cultivator of the land had encroached on the adjoining Govt waste and the Dy Commr (Mr. Abdul Khader) thereupon directed the resumption of the land encroached upon.

2. The cultivation of the land in question having been renewed in 1891-92 and continued in 1892-93 & 1893-94, the Jamabandi officer fined the Tahsildar Rs 15, 20 & 25 for the 3 years respectively. Ramanna, Petti amale and manager, appealed against the above orders to the Dy Commr and urged that the land in question formed a part of the Inam. The Dy. Commr (Mr. A. Rangaswamy Iyengar) declined to go into the question of title which had been decided by a former Dy. Commr in 1885-86 but reduced the fine for the last 2 years to Rs 20/ on the grounds

unreliable. The charge of encroachment fails to the ground. The fine must be remitted and both S. Nos, 42 & 43, confirmed to the Petr as shown, subject of course, to its treatment by the Inam Department under the rules laid down for cpccases.

2. Govt observe that some departmental notice should be taken by the Dy. Comr of the conduct of the village officials by whom this mischief has been committed to the prejudice of the Petr.

Secretary.

enc. Re-Draft

Bm

To The Dy. Comm[r], Nagpur District, with records.

+ 25-8-7 & Noted
25-4-1907 C. R. 21

Despd with records in three books
CR 2814